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APPROVED Minutes of August 23, 2017 ZBA Meeting

Attendees: Regular Members: Don Schubert, Carl Slusarczyk,
Alternate Members: Howard Steinberg, Carmen Melaragno
Absent Member(s): Jason Cormier, Bruce Skivington

Also present: Andy Marchese, Zoning Enforcement Officer/Staff Liaison
Debra Sterling, Recording Secretary

The meeting was called to order at 6:33 p.m. by Don Schubert, Chairman. Mr. Schubert noted that the Board Secretary, Jason Cormier, was not present. Mr. Schubert explained the voting requirements to the public as only four members of the Board were in attendance and therefore the applicants would need four affirmative votes. He also explained the option of tabling items to the next meeting if any applicant chose to do so. Mr. Schubert then read the opening statement.

All Members of the Board introduced themselves.

Mr. Schubert read the first Application on the Agenda in Mr. Cormier's absence.

Application # ZBA-2017-06 **Frank Salerno**, Applicant, seeking two Variances from Vernon Zoning Regulations **Section 4.24.2.4, minimum rear yard setback 100 feet abutting residential use**, to allow a 91 foot rear yard setback from the southern rear boundary line, to construct an in-ground pool and patio, **and Section 4.24.2.5, minimum side yard setback 100 feet abutting residential use**, to allow an 82 foot side yard setback from the eastern side yard boundary line, to house pool equipment in the existing pergola, **on the property located at 3 Quail Crossing**, in the Planned Development Zone (PDZ) Gerber Farm Area.

The first applicant was invited to come forward. The applicant introduced himself as Frank Salerno of 3 Quail Crossing. Mr. Salerno addressed the Board and referred to the site plan included with his application. He described the setbacks of the property, the usable space of the property, and his reasoning for the proposed pool location. He discussed the Gerber Farm zone and regulations, and the lack of visibility of the abutting condominiums on Quail Hollow from his property, and from their property to his. He felt his hardships were not blocking access to the downstairs area of his home, the setbacks on the property and the location of the well. He also discussed the existing pergola on his property.

Mr. Schubert asked Mr. Marchese for his comments. Mr. Marchese described the acreage and small usable space due to the zoning district and the setbacks, in addition to the property being on a corner lot. He discussed the zone change affecting this property and his opinion was that the hardship in this matter was the excessive setbacks after the zone change was made.

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Mr. Melaragno and Mr. Marchese discussed the wetlands buffer on the property. Mr. Marchese indicated the Wetlands Officer had already given his approval.

The Board Members questioned the applicant if he needed permission from Quail Hollow Association; the applicant stated his property is separately owned and he is not part of the association. Further questions were asked about water and sewer on the property, access to the downstairs area at the applicant's residence, pool and patio location, patio design, and the possibility of redesigning or repositioning the location of the pool. The applicant's wife, Laurie Hall, came forward to discuss the reasoning for the pool design.

Mr. Steinberg and Mr. Marchese discussed the zone change.

Mr. Schubert asked if the applicant if he had anything further to add, he stated he did not and his presentation was concluded.

Mr. Schubert asked if there was anyone present who wished to speak in favor of the application. There was not. Mr. Schubert asked if there was anyone present opposed and one woman came forward. She was asked to sign in and state her name. She stated her name was Jen Lane of 635 Dart Hill Road. She gave a brief history of the length of her residence there, stated she lived there before the applicant's house was built, she felt since the time when the applicant built a garage, a lot of road noise has been created, complained of lights from their vehicles, complained of the view of their dogs in the yard, and felt it was unbearable to come home to. Mr. Marchese explained to Ms. Lane that the reason for this hearing was for a variance for a pool and they were not there to discuss previous business. Ms. Lane said she was present to address her concerns. Mr. Schubert explained to Ms. Lane that these issues are not relevant to this meeting and she needed to find another way to address her concerns; he further explained that the Board's purpose is to take a position on zoning requirements, and her issues, if other than zoning, would have to be addressed in a different fashion. Ms. Lane stated she received a letter about the meeting and wanted to attend to address her concerns.

Mr. Schubert asked if anyone else was present and wished to come forward. There was not. He closed the hearing and discussion was held between the Members.

Mr. Steinberg made a Motion to Approve the Variances as listed on the application for 3 Quail Crossing. Mr. Slusarczyk seconded the Motion. The hardship was stated as rezoning difficulties with setback limitations (the rezoning of the property and the required setbacks now required). All voting members (Donald Schubert, Carl Slusarczyk, Howard Steinberg and Carmen Melaragno) were in favor for a unanimous vote. Variances are Granted.

Mr. Schubert read the second Application on the Agenda.

Application # ZBA-2017-07 **Matthew D. Boland**, Applicant, seeking four Variances from Vernon Zoning Regulations **Section 4.4.1.4, minimum side yard setback 10 feet**, to allow a 3 foot side yard setback from the southern side yard boundary line, to construct a 6 foot x 16 foot covered porch with a roof; **and Section 4.4.1.4, minimum side yard setback 10 feet**, to allow a 1 foot aerial side yard setback from the southern side yard boundary line, to construct a new roof with a soffit vent; **and Section 4.4.1.4, minimum side yard setback 10 feet**, to allow a 2 foot side yard setback from the southern side yard boundary line, to construct a 14 foot x 30 foot second story deck; **and Section 4.4.1.8 maximum lot coverage when not in an Aquifer Protection Zone: 25%**, to allow 42% lot coverage where there is currently 35% existing lot coverage, **on the property located at 73 Llynwood Drive**, in the R-27 Zoning District.

The second applicant was invited to come forward. Matt Boland came forward with his contractor Scott Zahansky.

Mr. Schubert asked Mr. Marchese for his comments on the application. Mr. Marchese discussed the four variances requested and gave a description of the legal non-conforming lot. He further described the second story addition, roof and porch, deck and lot coverage. He referred to the survey and gave his opinion on the lake properties.

Mr. Zahansky discussed the proposed construction of the upper deck and it's dimensions. He stated he doesn't feel the owner should be penalized for how the property is zoned as they will be enhancing the property. He further described the truss system, venting issues and possible additional expense to the owner. Mr. Marchese stated that variances cannot be granted because of monetary value or the cost of ventilation, it cannot be considered as a hardship.

Board Members asked the applicant and contractor about recommendations from the neighbors, and further questioned lot configuration, roof system, soffit and venting system, and other proposed construction.

Mr. Steinberg inquired through Mr. Marchese about lot percentages, water run-off, and had a discussion about the original structure which predated zoning regulations.

Board Members questioned the applicant about water/sewer, further questions about the ventilation system, landscaping and description of the land.

Mr. Schubert asked if anyone was present in favor of the application and wished to come forward.

John Schnetzer of 77 Llynwood Drive came forward to state he had no objections to the proposed work.

Mr. Schubert asked if anyone else was present in favor of or in opposition to the application. No one else came forward. Mr. Marchese stated he received an anonymous telephone call on August 22, 2017 from a person who stated they lived in the Llynwood Drive area but was unable to attend the meeting or send a letter in on time. Mr. Marchese stated that the resident's concern was lot coverage, water drainage, how close the variances would allow the structures to be to the setback lines, and life safety issues with homes in the lake area being close to one another and fire response. He stated he had to make the conversation part of the record as he received the call.

The contractor, Mr. Zahansky, became argumentative with Mr. Marchese about the fact that he was able to make the phone call part of the record but did not have to disclose who he was speaking with. Mr. Schubert intervened and asked about letters previously mentioned that the applicant had received. Two letters were then brought forward by the contractor in favor of the improvements and given to the Board for the record. Discussion was held between Mr. Marchese and Mr. Melaragno regarding the above procedures.

A member of the audience came forward and introduced himself as John Zahansky of Windham Connecticut. He questioned Mr. Marchese again about the call from the concerned citizen and discussion was held. Mr. Steinberg intervened and stated to the Chairman, Mr. Schubert, that he felt the committee was capable of evaluating the statement that was read in legally.

Mr. Schubert stated that the letters that were brought forward in favor of the application were from John Schnetzer who was present, and the other from Kathleen Perlitz who was not present, therefore he read her letter aloud for the record.

Mr. Schubert stated to the applicant that to the best of his knowledge there is a Lake Association and the applicant should be addressing any concerns, calls from other residents, or issues with them.

There were no other questions or comments. Mr. Schubert then closed the hearing for discussion and voting session.

Mr. Slusarczyk made a Motion to Approve the Variances as listed on the application for 73 Llynwood Drive. Mr. Steinberg seconded the Motion. The hardship was stated as lot configuration. All voting members (Donald Schubert, Carl Slusarczyk, Howard Steinberg and Carmen Melaragno) were in favor for a unanimous vote. Variances are Granted.

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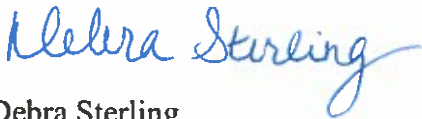
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Next item on the agenda, review Draft Minutes of the June 21, 2017 meeting. Mr. Steinberg stated there was one spelling error to be corrected on page 2. Mr. Steinberg made a Motion to Approve the Minutes with the revision. Mr. Slusarczyk seconded the Motion. All voting members (Donald Schubert, Carl Slusarczyk, Howard Steinberg and Carmen Melaragno) were in favor for a unanimous vote. Minutes of the June 21, 2017 meeting are approved.

Next item on the agenda, other business. Mr. Marchese stated that a new alternate Member was appointed to the Board, Robert Mullan, and he would be invited to the next ZBA meeting. No other business to discuss.

Mr. Steinberg made a Motion to Adjourn the hearing. Mr. Melaragno seconded the Motion. All voting members (Donald Schubert, Carl Slusarczyk, Howard Steinberg and Carmen Melaragno) were in favor for a unanimous vote. Meeting adjourned at 7:29 p.m..

Submitted by:



Debra Sterling